S.B. CR.MISC.BAIL APPL.NO.7543/2007.

Bheru Lal
Vs.
State

Date of order : 2/11/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Hridayesh Singh for the petitioner.
Smt. Nirmala Sharma PP for the State.

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Heard learned counsel for the petitioner, learned Public Prosecutor for the State and perused the relevant documents placed before me.

Learned counsel for the petitioner has argued that the dispute is about the nata marriage of the prosecutrix with the petitioner. Allegation against co-accused Shrawan Nath is that he had taken Rs.33,000/- for giving the prosecutrix in nata. Shrawan Nath and another accused Durga Shanker have already been enlarged on bail by the co-ordinate Bench of this Court vide order dated 1/8/2007 in SB Cr.Misc.Bail Appl.No.4450/2007. Co-accused Smt.Chandu Bai and Smt.Lachhma have also been enlarged on bail by the co-ordinate Bench of this court vide order dated 27/9/2007 in SB Cr.Misc.Bail Appl.No.6487/07. The first information report was lodged six months after the alleged nata marriage. Petitioner is in jail since August, 2007 and since then he is behind the bars. Trial of the case will take long and further detention

of the petitioner is no longer required for any purpose of investigation. The case of the petitioner is on better footing than that of other co-accused who have already been enlarged on bail.

Learned Public Prosecutor has opposed the bail application.

Without expressing any opinion on the merits of the case but taking into consideration the aforesaid arguments, I deem it appropriate to enlarge the petitioner on bail during trial.

In the result, this bail application u/S.439 Cr.P.C. is allowed and it is directed that petitioner Bheru Lal S/o Jagdish shall be released on bail in F.I.R. No.207/2007 P.S. Sadar, Bundi for offences under Sections 366, 342 and 376 IPC subject to his furnishing a personal bond in the sum of Rs.30,000/- together with two sureties in the sum of Rs.15,000/- each to the satisfaction of the trial Court for his appearance before that court on all dates of hearing until conclusion of the trial.

(MOHAMMAD RAFIQ), J.

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